

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>UNITED STATES OF AMERICA</b> <b>Plaintiff,</b>	)	
	)	
	)	
	)	
<b>v.</b>	)	<b>Case No.: 2:19-cr-00013</b>
	)	
	)	
<b>GEORGIANNA A.M. GIAMPIETRO</b> <b>Defendant.</b>	)	<b>Chief Judge Waverly D. Crenshaw, Jr.</b>
	)	

**DEFENDANT’S RESPONSE TO GOVERNMENT’S MOTION TO FILE PRELIMINARY  
WITNESS LIST EX PARTE AND UNDER SEAL**

The Defendant, Georgianna Giampietro, through her attorneys, files this Response to the Government’s Motion for Leave to File its Preliminary Witness List Under Seal and Ex Parte. Doc. 207. The government claims that the Court’s deadline for preliminary witness lists with short summaries of expected testimony is not required by the Federal Rules of Criminal Procedure, or case law, because it would provide a roadmap to the government’s case. The government, however, is in error because the Court has broad authority over ordering disclosure of government witnesses.

The Court has the authority to order disclosure of the Government's witness list in advance of trial. *See United States v. Kendricks*, 623 F.2d 1165, 1168 (6th Cir. 1980) (per curiam) (although "[i]t is well recognized that defendants cannot obtain lists of prosecution witnesses as a matter of right," "the district court has discretion to order the prosecution to produce it"). Other courts have also required early disclosure. *See United States v. Jackson*, 508 F.2d 1001, 1006 (7th Cir. 1975) (district court has authority to order both parties to disclose their witness lists approximately three

months before trial); *Unites States of Am. v. Zhuta*, No. 09CR357A, 2011 U.S. Dist. LEXIS 37708, 2011 WL 1330855, at \*1 (W.D.N.Y. April 6, 2011) (noting that local practice requires disclosure thirty days before trial); *United States v. West*, No. 08 CR 669, 2010 U.S. Dist. LEXIS 57107, 2010 WL 2293392, at \*5 (N.D. Ill. Jun. 2, 2010) (witness lists must be filed fourteen days before trial). *See United States v. Bell*, No. 17-cr-20183, 2019 U.S. Dist. LEXIS 127173, at \*15-16 (E.D. Mich. July 31, 2019).

The defense further notes that the government has waited until the day of the deadline for Preliminary Witness Lists to file its Motion. The defense has relied on this deadline and have filed their Preliminary Witness List in reliance on, and in compliance with this Court's Order. For these reasons, the defense requests that this Court enforce its Order requiring the filing of Preliminary Witness Lists and summaries on the government as well.

Respectfully submitted,

By: /s/ Charles Swift  
Charles D. Swift,  
*Pro Hac Vice* Attorney for Giampietro  
CLCMA  
100 N. Central Expy, Ste 1010  
Richardson, TX 75080  
(972) 914-2507

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 4<sup>th</sup> day of August 2021, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

By: /s/ Charles D. Swift  
Charles D. Swift, *Pro Hac Vice*  
Attorney for Giampietro  
100 N. Central Expy, Ste 1010  
Richardson, TX 75080